

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HENRY KUEHN AND JUNE P. KUEHN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV577-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

PLAINTIFFS' REPLY TO
STATE FARM'S [103] RESPONSE IN OPPOSITION
TO PLAINTIFFS' [94] MOTION FOR EXTENSION OF
DEADLINE TO DESIGNATE EXPERT WITNESSES OR,
IN THE ALTERNATIVE, MOTION TO STAY THE PROCEEDINGS

COME NOW the Plaintiffs, HENRY KUEHN and JUNE P. KUEHN, by and through their attorneys of record, DENHAM LAW FIRM, PLLC, and would file their Reply to State Farm's [103] Response in Opposition to Plaintiffs' [94] Motion for Extension of Deadline to Designate Expert Witnesses or, in the Alternative, Motion to Stay the Proceedings, and would show as follows:

1. State Farm provides not even a suggestion of any prejudice that might result if the Court grants Plaintiffs' Motion. Rather, it exercises pure gamesmanship in an attempt to prejudice Plaintiffs. The reasoning underlying Plaintiffs' Motion is simple: depending on Judge Senter's ruling on State Farm's Motion for Reconsideration, the need for experts by either side will vary drastically. State Farm has accordingly moved the Court to allow its currently irrelevant expert to inspect Plaintiffs' property, which the Court allowed, and which has now occurred. Meanwhile, however, State Farm seeks to preclude Plaintiffs from similarly designating such an expert in the event that Judge Senter rules in its favor. Again, this is simple gamesmanship and "dirty pool." The most logical course of action would be to stay and/or

extend the deadlines in this case until Judge Senter has an opportunity to issue an opinion. To do otherwise will simply cost the parties thousands of dollars in needless “what if” expenses.

2. State Farm presents no compelling reason why Plaintiffs’ Motion should not be granted other than its own exercise of gamesmanship and desire to win this case on grounds other than the underlying merits. Plaintiffs would respectfully request that the Court stay and/or extend the deadlines in this matter until Judge Senter’s ruling has been made.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs, HENRY KUEHN AND JUNE P. KUEHN, respectfully requests that the Court GRANT the Plaintiffs’ [94] Motion for Extension of Deadline to Designate Expert Witnesses or, in the Alternative, Motion to Stay the Proceedings.

Respectfully submitted,

HENRY KUEHN and JUNE P. KUEHN

BY: DENHAM LAW FIRM, PLLC

BY: s/Kristopher W. Carter
KRISTOPHER W. CARTER
MS Bar No. 101963

CERTIFICATE

I, KRISTOPHER W. CARTER, do hereby certify that I electronically filed the above and foregoing *Reply to State Farm's [103] Response in Opposition to Plaintiffs' [94] Motion for Extension of Deadline to Designate Expert Witnesses or, in the Alternative, Motion to Stay the Proceedings* with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

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SO CERTIFIED on this the 22nd day of December, 2009.

s/Kristopher W. Carter
KRISTOPHER W. CARTER

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